

AMENDED IN ASSEMBLY AUGUST 29, 2014  
AMENDED IN ASSEMBLY AUGUST 22, 2014  
AMENDED IN ASSEMBLY AUGUST 19, 2014  
AMENDED IN ASSEMBLY AUGUST 4, 2014  
AMENDED IN ASSEMBLY JULY 1, 2014  
AMENDED IN ASSEMBLY JUNE 18, 2014  
AMENDED IN ASSEMBLY JUNE 9, 2014  
AMENDED IN SENATE MAY 27, 2014  
AMENDED IN SENATE MAY 6, 2014  
AMENDED IN SENATE APRIL 21, 2014  
AMENDED IN SENATE APRIL 2, 2014

## SENATE BILL

**No. 1319**

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**Introduced by ~~Senators Hill, Wolk,~~ and Senator Pavley**  
*(Coauthor: Assembly Member Nestande)*

February 21, 2014

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~~An act to add Article 3.9 (commencing with Section 8574.30) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to hazardous materials transport. An act to amend Sections 10735.2 and 10735.8 of the Water Code relating to groundwater.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 1319, as amended, ~~Hill~~ Pavley. ~~Hazardous materials: railroad tank cars. Groundwater.~~

*Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.*

*AB 1739 of the 2013–14 Regular Session, if enacted, would authorize the state board to designate a basin as a probationary basin, if the state board makes a certain determination. If the state board finds that litigation challenging the formation of a groundwater sustainability agency prevented a groundwater sustainability program from being implemented pursuant to one of the determinations, AB 1739 would prohibit the state board from designating a basin as a probationary basin for a specified time period.*

*SB 1168 of the 2013–14 Regular Session, if enacted, would require the department to categorize each basin as high-, medium-, low- or very low priority.*

*This bill would additionally authorize the state board to designate certain high- and medium-priority basins as a probationary basin if, after January 31, 2025, prescribed criteria are met, including that the state board determines that the basin is in a condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would add to the prescribed determinations that would prevent the state board from designating the basin as a probationary basin for a specified time period. This bill would require the state board to exclude from probationary status any portion of a basin for which a groundwater sustainability agency demonstrates compliance with the sustainability goal.*

*AB 1739 would authorize the state board to develop an interim plan for a probationary basin if the state board, in consultation with the Department of Water Resources, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. AB 1739 would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. AB 1739 would authorize the board to rely on, or incorporate elements of, a groundwater sustainability plan, groundwater sustainability program, or adjudication into the interim plan adopted*

*by the board or allow local agencies to continue implementing those parts of a plan or program that the board determines are adequate.*

*This bill would remove the authority of the local agencies to continue to implement parts of the plan or program that the board determines to be adequate and instead require the state board to include in its interim plan a groundwater sustainability plan, or any element of a plan, that the board finds either complies with the sustainability goal for that portion of the basin or would help meet the sustainability goal for the basin. The bill would prohibit the state board, before January 1, 2025, from establishing an interim plan under the bill to remedy a condition where groundwater extractions result in significant depletions of interconnected surface waters.*

*This bill would make its operation contingent on the enactment of AB 1739 and SB 1168 of the 2013–14 Regular Session.*

~~Existing law establishes the Railroad Accident Prevention and Immediate Deployment Force in the California Environmental Protection Agency and designates the force as being responsible for providing immediate onsite response capability in the event of a large-scale release of toxic materials resulting from a surface transportation accident. Existing law requires the agency to develop a state railroad accident prevention and immediate deployment plan, in consultation with specified state entities, other potentially affected state, local, or federal agencies, and affected businesses, and designates the force as being responsible for implementing the plan, acting cooperatively and in concert with existing local emergency response units.~~

~~Existing law establishes the Office of Emergency Services within the office of the Governor and under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. Existing law requires the office to serve as the central point of state government for the emergency reporting of spills, unauthorized releases, or other accidental releases of hazardous materials and to coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those spills, unauthorized releases, or other accidental releases.~~

~~This bill would create the Regional Railroad Accident Preparedness and Immediate Response Force in the Office of Emergency Services, consisting of specified representatives, and would designate this force as being responsible for providing regional and onsite response~~

~~capabilities in the event of a release of hazardous materials from a railroad tank car or a railroad accident involving a tank car. This bill would require the office to develop and implement a state regional railroad accident preparedness and immediate response plan, in consultation with specified entities, and requires the plan to become an annex to the state emergency plan. This bill would require the force and the Office of Spill Prevention and Response to coordinate in their respective authorities and responsibilities to avoid any duplication of effort, ensure cooperation, and promote the sharing of information regarding the risk of discharge of petroleum by rail into state waters.~~

~~This bill would require the director to establish a schedule of fees to determine the amount of a fee to be paid by a person owning hazardous materials that are transported by rail in California. The bill would require that the fees be fair, as required by the federal Hazardous Materials Transportation Act, and state the intent of the Legislature that the schedule of fees reflect the proportionate risks to the public safety and environment resulting from a release of different hazardous materials and the expense of preparing to respond to those varying risks. The bill would authorize the director to exempt from the fee a shipment of hazardous materials that meets certain criteria and prohibit the collection of fees in excess of the reasonable regulatory costs to the state. The bill would also require every person who operates a railroad that transports hazardous materials by tank car to register with the board and to remit the fees to the board pursuant to the Fee Collection Procedures Law. The bill would create the Regional Railroad Accident Preparedness and Immediate Response Fund in the State Treasury and would require that all revenues, interest, penalties, and other amounts collected pursuant to the bill's requirements be deposited into the fund, less refunds and reimbursement to the board for expenses incurred in the administration and collection of the fee. The bill would require that moneys in the fund, upon appropriation by the Legislature, be used by the director to pay for planning, developing, and maintaining a capability for emergency response purposes relating to a hazardous materials release from a railroad tank car or a railroad accident involving a tank car, and the creation, support, maintenance, and implementation of the Regional Railroad Accident Preparedness and Immediate Response Force. This bill would limit the amount available for appropriation from the fund to \$10,000,000 in any calendar year.~~

~~The Fee Collection Procedures Law makes a violation of any provision of the law, or of certain requirements imposed by the board pursuant to the law, a crime.~~

~~By expanding the application of the Fee Collection Procedures Law, the violation of which is a crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 10735.2 of the Water Code, as added by  
2     Assembly Bill 1739 of the 2013–14 Regular Session, is amended  
3     to read:  
4     10735.2. (a) The board, after notice and a public hearing, may  
5     designate a basin as a probationary basin, if the board finds one  
6     or more of the following applies to the basin:  
7     (1) After June 30, 2017, none of the following have occurred:  
8     (A) A local agency has elected to be a groundwater  
9     sustainability agency that intends to develop a groundwater  
10    sustainability plan for the entire basin.  
11    (B) A collection of local agencies has formed a groundwater  
12    sustainability agency or prepared agreements to develop one or  
13    more groundwater sustainability plans that will collectively serve  
14    as a groundwater sustainability plan for the entire basin.  
15    (C) A local agency has submitted an alternative that has been  
16    approved or is pending approval pursuant to Section 10733.6. If  
17    the department disapproves an alternative pursuant to Section  
18    10733.6, the board shall not act under this paragraph until at least  
19    180 days after the department disapproved the alternative.  
20    (2) The basin is subject to paragraph (1) of subdivision (a) of  
21    Section 10720.7, and after January 31, 2020, none of the following  
22    have occurred:  
23    (A) A groundwater sustainability agency has adopted a  
24    groundwater sustainability plan for the entire basin.

1 (B) A collection of local agencies has adopted groundwater  
2 sustainability plans that collectively serve as a groundwater  
3 sustainability plan for the entire basin.

4 (C) The department has approved an alternative pursuant to  
5 Section 10733.6.

6 (3) ~~After~~ *The basin is subject to paragraph (1) of subdivision*  
7 *(a) of Section 10720.7 and after January 31, 2020, the department,*  
8 *in consultation with the board, determines that a groundwater*  
9 *sustainability plan is inadequate or that the groundwater*  
10 *sustainability program is not being implemented in a manner that*  
11 *will likely achieve the sustainability goal.*

12 (4) The basin is subject to paragraph (2) of subdivision (a) of  
13 Section 10720.7, and after January 31, 2022, none of the following  
14 have occurred:

15 (A) A groundwater sustainability agency has adopted a  
16 groundwater sustainability plan for the entire basin.

17 (B) A collection of local agencies has adopted groundwater  
18 sustainability plans that collectively serve as a groundwater  
19 sustainability plan for the entire basin.

20 (C) The department has approved an alternative pursuant to  
21 Section 10733.6.

22 (5) The basin is subject to paragraph (2) of subdivision (a) of  
23 Section 10720.7, and ~~after January 31, 2022, both~~ *either* of the  
24 following have occurred:

25 (A) *After January 31, 2022, both of the following have occurred:*

26 ~~(A)~~

27 (i) The department, in consultation with the board, determines  
28 that a groundwater sustainability plan is inadequate or that the  
29 groundwater sustainability plan is not being implemented in a  
30 manner that will likely achieve the sustainability goal.

31 ~~(B)~~

32 (ii) The board determines that the basin is in a condition of  
33 long-term overdraft ~~or in a condition where groundwater~~  
34 ~~extractions result in significant depletions of interconnected surface~~  
35 ~~waters.~~

36 (B) *After January 31, 2025, both of the following have occurred:*

37 (i) *The department, in consultation with the board, determines*  
38 *that a groundwater sustainability plan is inadequate or that the*  
39 *groundwater sustainability plan is not being implemented in a*  
40 *manner that will likely achieve the sustainability goal.*

1     (ii) *The board determines that the basin is in a condition where*  
2 *groundwater extractions result in significant depletions of*  
3 *interconnected surface waters.*

4     (b) In making the findings associated with paragraph (3) or (5)  
5 of subdivision (a), the department and board may rely on periodic  
6 assessments the department has prepared pursuant to Chapter 10  
7 (commencing with Section 10733). The board may request that  
8 the department conduct additional assessments utilizing the  
9 regulations developed pursuant to Chapter 10 (commencing with  
10 Section 10733) and make determinations pursuant to this section.  
11 The board shall post on its Internet Web site and provide at least  
12 30 days for the public to comment on any determinations provided  
13 by the department pursuant to this subdivision.

14     (c) (1) The determination may exclude a class or category of  
15 extractions from the requirement for reporting pursuant to Part 5.2  
16 (commencing with Section 5200) of Division 2 if those extractions  
17 are subject to a local plan or program that adequately manages  
18 groundwater within the portion of the basin to which that plan or  
19 program applies, or if those extractions are likely to have a minimal  
20 impact on basin withdrawals.

21     (2) The determination may require reporting of a class or  
22 category of extractions that would otherwise be exempt from  
23 reporting pursuant to paragraph (1) of subdivision (c) of Section  
24 5202 if those extractions are likely to have a substantial impact on  
25 basin withdrawals or requiring reporting of those extractions is  
26 reasonably necessary to obtain information for purposes of this  
27 chapter.

28     (3) The determination may establish requirements for  
29 information required to be included in reports of groundwater  
30 extraction, for installation of measuring devices, or for use of a  
31 methodology, measuring device, or both, pursuant to Part 5.2  
32 (commencing with Section 5200) of Division 2.

33     (4) The determination may modify the water year or reporting  
34 date for a report of groundwater extraction pursuant to Section  
35 5202.

36     (d) If the board finds that litigation challenging the formation  
37 of a groundwater sustainability agency prevented its formation  
38 before July 1, 2017, pursuant to paragraph (1) of subdivision (a)  
39 or prevented a groundwater sustainability program from being  
40 implemented in a manner likely to achieve the sustainability goal

1 pursuant to paragraph (3), (4), or (5) of subdivision (a), the board  
2 shall not designate a basin as a probationary basin for a period of  
3 time equal to the delay caused by the litigation.

4 (e) *The board shall exclude from probationary status any portion*  
5 *of a basin for which a groundwater sustainability agency*  
6 *demonstrates compliance with the sustainability goal.*

7 SEC. 2. *Section 10735.8 of the Water Code, as added by*  
8 *Assembly Bill 1739 of the 2013–14 Regular Session, is amended*  
9 *to read:*

10 10735.8. (a) The board, after notice and a public hearing, may  
11 adopt an interim plan for a probationary basin.

12 (b) The interim plan shall include all of the following:

13 (1) Identification of the actions that are necessary to correct a  
14 condition of long-term overdraft or a condition where groundwater  
15 extractions result in significant depletions of interconnected surface  
16 waters, including recommendations for appropriate action by any  
17 person.

18 (2) A time schedule for the actions to be taken.

19 (3) A description of the monitoring to be undertaken to  
20 determine effectiveness of the plan.

21 (c) The interim plan may include the following:

22 (1) Restrictions on groundwater extraction.

23 (2) A physical solution.

24 (3) Principles and guidelines for the administration of rights to  
25 surface waters that are connected to the basin.

26 (d) Except as provided in subdivision (e), the interim plan shall  
27 be consistent with water right priorities, subject to Section 2 of  
28 Article X of the California Constitution.

29 (e) ~~Where, in the judgment of the board, the board shall include~~  
30 ~~in its interim plan a groundwater sustainability plan, groundwater~~  
31 ~~sustainability program, or or any element of a plan, that the board~~  
32 ~~finds complies with the sustainability goal for that portion of the~~  
33 ~~basin or would help meet the sustainability goal for the basin.~~  
34 ~~Where, in the judgment of the board, an adjudication action can~~  
35 ~~be relied on as part of the interim plan, either throughout the basin~~  
36 ~~or in an area within the basin, the board may rely on, or incorporate~~  
37 ~~elements of, that plan, program, or adjudication into the interim~~  
38 ~~plan adopted by the board or allow local agencies to continue~~  
39 ~~implementing those parts of a plan or program that the board~~  
40 ~~determines are adequate.~~



1 (f) In carrying out activities that may affect the probationary  
2 basin, state entities shall comply with an interim plan adopted by  
3 the board pursuant to this section unless otherwise directed or  
4 authorized by statute and the state entity shall indicate to the board  
5 in writing the authority for not complying with the interim plan.

6 (g) (1) After the board adopts an interim plan under this section,  
7 the board shall determine if a groundwater sustainability plan or  
8 an adjudication action is adequate to eliminate the condition of  
9 long-term overdraft or condition where groundwater extractions  
10 result in significant depletions of interconnected surface waters,  
11 upon petition of either of the following:

12 (A) A groundwater sustainability agency that has adopted a  
13 groundwater sustainability plan for the probationary basin or a  
14 portion thereof.

15 (B) A person authorized to file the petition by a judicial order  
16 or decree entered in an adjudication action in the probationary  
17 basin.

18 (2) The board shall act on a petition filed pursuant to paragraph  
19 (1) within 90 days after the petition is complete. If the board, in  
20 consultation with the department, determines that the groundwater  
21 sustainability plan or adjudication action is adequate, the board  
22 shall rescind the interim plan adopted by the board for the  
23 probationary basin, except as provided in paragraphs (3) and (4).

24 (3) Upon request of the petitioner, the board may amend an  
25 interim plan adopted under this section to eliminate portions of  
26 the interim plan, while allowing other portions of the interim plan  
27 to continue in effect.

28 (4) The board may decline to rescind an interim plan adopted  
29 pursuant to this section if the board determines that the petitioner  
30 has not provided adequate assurances that the groundwater  
31 sustainability plan or judicial order or decree will be implemented.

32 (5) This subdivision is not a limitation on the authority of the  
33 board to stay its proceedings under this section or to rescind or  
34 amend an interim plan adopted pursuant to this section based on  
35 the progress made by a groundwater sustainability agency or in  
36 an adjudication action, even if the board cannot make a  
37 determination of adequacy in accordance with paragraph (1).

38 (h) *Before January 1, 2025, the state board shall not establish*  
39 *an interim plan under this section to remedy a condition where*

1 *the groundwater extractions result in significant depletions of*  
2 *interconnected surface waters.*

3 ~~(h)~~

4 (i) The board's authority to adopt an interim plan under this  
5 section does not alter the law establishing water rights priorities  
6 or any other authority of the board.

7 *SEC. 3. This act shall only become operative if both Assembly*  
8 *Bill 1739 and Senate Bill 1168 of the 2013–14 Regular Session*  
9 *are enacted and become effective.*

10 ~~SECTION 1. Article 3.9 (commencing with Section 8574.30)~~  
11 ~~is added to Chapter 7 of Division 1 of Title 2 of the Government~~  
12 ~~Code, to read:~~

13  
14 ~~Article 3.9. Regional Railroad Accident Preparedness and~~  
15 ~~Immediate Response~~  
16

17 ~~8574.30. For purposes of this article, the following terms have~~  
18 ~~the following meanings:~~

19 ~~(a) "Board" means the State Board of Equalization.~~

20 ~~(b) "Director" means the Director of Emergency Services.~~

21 ~~(c) "Fund" means the Regional Railroad Accident Preparedness~~  
22 ~~and Immediate Response Fund established pursuant to Section~~  
23 ~~8574.44.~~

24 ~~(d) "Hazardous material" means a material that the United States~~  
25 ~~Department of Transportation has designated as a hazardous~~  
26 ~~material for purposes of transportation in Part 172 of Title 49 of~~  
27 ~~the Code of Federal Regulations.~~

28 ~~(e) "Owner" means the person who has the ultimate control~~  
29 ~~over, and the right to use or sell, the hazardous material being~~  
30 ~~shipped. There is a rebuttable presumption that the shipper,~~  
31 ~~consignor, or consignee of the hazardous material is the owner of~~  
32 ~~the hazardous material. This presumption may be overcome by~~  
33 ~~showing that ownership of the hazardous material rests with~~  
34 ~~someone other than the shipper, consignor, or consignee. Evidence~~  
35 ~~to rebut the presumption may include, but is not limited to,~~  
36 ~~documentation, including a bill of lading, shipping document, bill~~  
37 ~~of sale, or other medium, that shows the ownership of the~~  
38 ~~hazardous material rests in a person other than the shipper,~~  
39 ~~consignor, or consignee.~~

1     ~~(f) “Person” means an individual, trust, firm, joint stock~~  
2     ~~company, business concern, corporation, including, but not limited~~  
3     ~~to, a government corporation, partnership, limited liability~~  
4     ~~company, and association. “Person” also includes any city, county,~~  
5     ~~city and county, district, commission, the state or any department,~~  
6     ~~agency or political subdivision thereof, and the United States and~~  
7     ~~agencies and instrumentalities, to the extent permitted by law.~~

8     ~~(g) “Railroad” has the same meaning as defined in Section 229~~  
9     ~~of the Public Utilities Code.~~

10    ~~(h) “Tank car” means a railroad car or rolling stock designed~~  
11    ~~to transport liquid and gaseous commodities, and includes those~~  
12    ~~railroad cars subject to the requirements of Part 179 (commencing~~  
13    ~~with Section 179.1) of Title 49 of the Code of Federal Regulations,~~  
14    ~~or a successor set of regulations adopted by the United States~~  
15    ~~Department of Transportation.~~

16    ~~8574.32. (a) The director shall establish a schedule of fees to~~  
17    ~~determine the amount of a fee that shall be paid by each person~~  
18    ~~owning hazardous materials that are transported by rail in~~  
19    ~~California in an amount sufficient to fund the appropriation from~~  
20    ~~the fund pursuant to Section 8574.44, to reimburse the California~~  
21    ~~High-Cost Fund-B Administrative Committee Fund for any moneys~~  
22    ~~loaned, and to maintain a prudent reserve of two months’ operating~~  
23    ~~costs. The fee shall be based on each loaded tank car as described~~  
24    ~~in subdivision (b).~~

25    ~~(b) (1) Within six months of the director establishing a schedule~~  
26    ~~of fees pursuant to subdivision (a), the fee shall be imposed on a~~  
27    ~~person owning hazardous material at the time that hazardous~~  
28    ~~material is transported by loaded tank car. The fee is based on each~~  
29    ~~loaded tank car.~~

30    ~~(A) If the loaded tank car enters the state from outside this state,~~  
31    ~~the fee is imposed on the owner of the hazardous material at the~~  
32    ~~time the loaded tank car enters this state. The railroad shall collect~~  
33    ~~the fee from the owner of the hazardous material and shall pay the~~  
34    ~~fee to the board.~~

35    ~~(B) If the tank car is loaded within this state the fee is imposed~~  
36    ~~upon the loading of hazardous material into the tank car for~~  
37    ~~transport in or through this state. The railroad shall collect the fee~~  
38    ~~from the owner of the hazardous material at the time the tank car~~  
39    ~~is loaded and shall pay the fee to the board.~~

~~(2) The fees shall be paid to the board by the railroad at the time the return is required to be filed, as specified in Section 8574.38, based on the number of loaded hazardous material tank cars transported within the state.~~

~~(3) Any fees collected from an owner of hazardous materials pursuant to this section that have not been remitted to the board shall be deemed a debt owed to the state by the person required to collect and remit fees.~~

~~(4) The owner of the hazardous material is liable for the fee until it has been paid to the board, except that payment to a railroad registered under this article is sufficient to relieve the owner from further liability for the fee.~~

~~(5) Any owner or railroad who has paid fees pursuant to this section shall not be assessed any additional fees under this section for further transporting the same hazardous materials in the same tank cars on a different railroad within the state.~~

~~(e) The fee shall be fair, as required by subsection (f) of Section 5125 of Title 49 of the United States Code and federal regulations (49 CFR 107.202(e)). It is the intent of the Legislature that the fee reflect the proportionate risks to the public safety and environment resulting from a release of different hazardous materials and the expense of preparing to respond to those varying risks. The director may exempt from the fee those shipments of hazardous materials that do not merit inclusion in the state regional railroad accident preparedness and immediate response plan developed pursuant to Section 8574.46 and those shipments of hazardous materials that do not merit additional governmental preparation to respond to their release in the event of a railroad accident.~~

~~(d) The fee shall not result in the collection of moneys that exceed the reasonable regulatory costs to the state for the purposes specified in subdivision (e) of Section 8574.44. The director shall set the fee consistent with Section 3 of Article XIII A of the California Constitution.~~

~~(e) The director shall be responsible for reporting fee information to the federal Secretary of Transportation pursuant to paragraph (2) of subsection (f) of Section 5125 of Title 49 of the United States Code.~~

~~(f) The director may authorize payments of fees through contributions in kind of equipment, materials, or services.~~

1     ~~8574.34. Every person who operates a railroad that transports~~  
2 ~~hazardous materials by tank car shall register with the board~~  
3 ~~pursuant to Section 55021 of the Revenue and Taxation Code.~~

4     ~~8574.36. The fee imposed pursuant to Section 8574.32 shall~~  
5 ~~be administered and collected by the board in accordance with the~~  
6 ~~Fee Collection Procedures Law (Part 30 (commencing with Section~~  
7 ~~55001) of Division 2 of the Revenue and Taxation Code). For~~  
8 ~~purposes of this section, the references in the Fee Collection~~  
9 ~~Procedures Law to “fee” shall include the fee imposed by this~~  
10 ~~article, and references to “feepayer” shall include a person required~~  
11 ~~to pay the fee imposed by this article.~~

12     ~~8574.38. The return required to be filed pursuant to Section~~  
13 ~~55040 of the Revenue and Taxation Code shall be prepared and~~  
14 ~~filed by the person required to register with the board, using~~  
15 ~~electronic media, in the form prescribed by the board, and shall~~  
16 ~~contain that information the board deems necessary or appropriate~~  
17 ~~for the proper administration of this article and the Fee Collection~~  
18 ~~Procedures Law. The return shall be filed on or before the last day~~  
19 ~~of the calendar month following the calendar quarter to which it~~  
20 ~~relates, together with a remittance payable to the board for the fee~~  
21 ~~amount due for that period. Returns shall be authenticated in a~~  
22 ~~form or pursuant to methods as may be prescribed by the board.~~

23     ~~8574.40. Notwithstanding the petition for redetermination and~~  
24 ~~claim for refund provisions of the Fee Collection Procedures Law~~  
25 ~~(Article 3 (commencing with Section 55081) of Chapter 3 of, and~~  
26 ~~Article 1 (commencing with Section 55221) of Chapter 5 of, Part~~  
27 ~~30 of Division 2 of the Revenue and Taxation Code), the board~~  
28 ~~shall not:~~

29     ~~(a) Accept or consider a petition for redetermination of fees~~  
30 ~~determined under this article if the petition is founded upon the~~  
31 ~~grounds that the tank car content is or is not a hazardous material.~~  
32 ~~The board shall forward to the director any appeal of a~~  
33 ~~determination that is based on the grounds that the tank car content~~  
34 ~~is or is not a hazardous material.~~

35     ~~(b) Accept or consider a claim for refund of fees paid pursuant~~  
36 ~~to this chapter if the claim is founded upon the grounds that the~~  
37 ~~tank car content is or is not a hazardous material. The board shall~~  
38 ~~forward to the director any claim for refund that is based on the~~  
39 ~~grounds that the tank car content is or is not a hazardous material.~~

1     ~~8574.42. (a) The board may prescribe, adopt, and enforce~~  
2 ~~regulations relating to the administration and enforcement of this~~  
3 ~~article.~~

4     ~~(b) The board may prescribe, adopt, and enforce any emergency~~  
5 ~~regulations, as necessary, to implement this article. Except as~~  
6 ~~provided in Section 8574.44, any emergency regulation prescribed,~~  
7 ~~adopted, or enforced pursuant to this article shall be adopted~~  
8 ~~pursuant to Chapter 3.5 (commencing with Section 11340) of Part~~  
9 ~~1 of Division 3 of Title 2 and, for purposes of that article, including~~  
10 ~~Section 11349.6, the adoption of the regulation is an emergency~~  
11 ~~and shall be considered by the Office of Administrative Law as~~  
12 ~~necessary for the immediate preservation of the public peace, health~~  
13 ~~and safety, and general welfare.~~

14     ~~8574.44. (a) The Regional Railroad Accident Preparedness~~  
15 ~~and Immediate Response Fund is hereby created in the State~~  
16 ~~Treasury.~~

17     ~~(b) All revenues, interest, penalties, and other amounts collected~~  
18 ~~pursuant to this article shall be deposited into the fund, less refunds~~  
19 ~~and reimbursement to the board for expenses incurred in the~~  
20 ~~administration and collection of the fee.~~

21     ~~(c) The adoption of regulations pursuant to this section shall be~~  
22 ~~considered by the Office of Administrative Law as an emergency~~  
23 ~~necessary for the immediate preservation of the public peace, health~~  
24 ~~and safety, and general welfare. Notwithstanding Chapter 3.5~~  
25 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~  
26 ~~2, emergency regulations adopted by the director and the board~~  
27 ~~pursuant to this section shall be filed with, but not repealed by, the~~  
28 ~~Office of Administrative Law and shall remain in effect until~~  
29 ~~revised or repealed by the director.~~

30     ~~(d) The fund shall be used to reimburse the California High-Cost~~  
31 ~~Fund-B Administrative Committee Fund for any moneys loaned~~  
32 ~~from the California High-Cost Fund-B Administrative Committee~~  
33 ~~Fund to the fund to pay for the Office of Emergency Service's~~  
34 ~~administrative costs associated with implementation of the fee~~  
35 ~~pursuant to this article.~~

36     ~~(e) All moneys remaining in the fund after reimbursement of~~  
37 ~~the California High-Cost Fund-B Administrative Committee Fund~~  
38 ~~pursuant to subdivision (d) shall, upon appropriation by the~~  
39 ~~Legislature, be used by the director to pay for the following~~  
40 ~~purposes related to the transportation of hazardous materials:~~

1 ~~(1) Planning, developing, and maintaining a capability for~~  
2 ~~emergency response to railroad accidents involving tank cars~~  
3 ~~carrying hazardous materials, including the risks of explosions~~  
4 ~~and fires.~~

5 ~~(2) Planning, developing, and maintaining a capability for~~  
6 ~~emergency response to releases of hazardous materials from tank~~  
7 ~~cars, including reducing the harmful effects of exposure of those~~  
8 ~~materials to humans and the environment.~~

9 ~~(3) Creation, support, maintenance, and implementation of the~~  
10 ~~Regional Railroad Accident Preparedness and Immediate Response~~  
11 ~~Force created by Section 8574.46.~~

12 ~~(4) Acquisition and maintenance of specialized equipment and~~  
13 ~~supplies used to respond to a hazardous materials release from a~~  
14 ~~railroad tank car or a railroad accident involving a tank car.~~

15 ~~(5) Support of specialized training facilities to prepare for and~~  
16 ~~respond to a hazardous materials release from a railroad tank car~~  
17 ~~or a railroad accident involving a tank car.~~

18 ~~(6) Creation and support of a regional, state level, and local~~  
19 ~~emergency response team to provide immediate onsite response~~  
20 ~~capabilities in the event of large scale releases of hazardous~~  
21 ~~materials from a railroad tank car or a railroad accident involving~~  
22 ~~a tank car.~~

23 ~~(7) Support for specialized training for state and local emergency~~  
24 ~~response officials in techniques for prevention of, and response~~  
25 ~~to, release of hazardous materials from a railroad tank car or a~~  
26 ~~railroad accident involving a tank car.~~

27 ~~(f) The amount available for appropriation from the fund shall~~  
28 ~~not exceed ten million dollars (\$10,000,000) in any calendar year.~~

29 ~~8574.46. (a) The Regional Railroad Accident Preparedness~~  
30 ~~and Immediate Response Force is hereby created in the Office of~~  
31 ~~Emergency Services. The force shall be responsible for providing~~  
32 ~~regional and onsite response capabilities in the event of a release~~  
33 ~~of hazardous materials from a railroad tank car or a railroad~~  
34 ~~accident involving a tank car and for implementing the state~~  
35 ~~regional railroad accident preparedness and immediate response~~  
36 ~~plan for releases of hazardous materials from a railroad tank car~~  
37 ~~or a railroad accident involving a tank car. This force shall act~~  
38 ~~cooperatively and in concert with existing local emergency~~  
39 ~~response units pursuant to Article 9.5 (commencing with Section~~

~~8607). The force shall consist of representatives of all of the following:~~

- ~~(1) Department of Fish and Wildlife.~~
- ~~(2) California Environmental Protection Agency.~~
- ~~(3) State Air Resources Board.~~
- ~~(4) Department of Resources Recycling and Recovery.~~
- ~~(5) California regional water quality control boards.~~
- ~~(6) Department of Toxic Substances Control.~~
- ~~(7) Department of Pesticide Regulation.~~
- ~~(8) Office of Environmental Health Hazard Assessment.~~
- ~~(9) State Department of Public Health.~~
- ~~(10) Department of the California Highway Patrol.~~
- ~~(11) Department of Food and Agriculture.~~
- ~~(12) Department of Forestry and Fire Protection.~~
- ~~(13) Department of Parks and Recreation.~~
- ~~(14) Public Utilities Commission.~~
- ~~(15) State Fire Marshal.~~
- ~~(16) Emergency Medical Services Authority.~~
- ~~(17) California National Guard.~~
- ~~(18) Any other potentially affected state, local, or federal agency, as determined by the director.~~

~~(b) The Office of Emergency Services shall develop a state regional railroad accident preparedness and immediate response plan in cooperation with all of the entities listed in paragraphs (1) to (18), inclusive, of subdivision (a) and the plan shall become an annex to the state emergency plan.~~

~~(c) (1) The Legislature finds and declares that the state has a comprehensive program through the Office of Spill Prevention and Response to prevent and prepare for the risk of a significant discharge of petroleum into state waters, including a discharge caused by the transportation of petroleum by rail. The Legislature further finds and declares that the Regional Accident Preparedness and Immediate Response Force is focused on the emergency response for railroad accidents and tank car discharges involving all designated hazardous materials regardless of where the accident or discharge takes place.~~

~~(2) The Regional Accident Preparedness and Immediate Response Force and Office of Spill Prevention and Response shall coordinate in their respective authorities and responsibilities to avoid any duplication of effort, ensure cooperation, and promote~~



1 ~~the sharing of information regarding the risk of discharge of~~  
2 ~~petroleum by rail into state waters.~~

3 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
4 ~~Section 6 of Article XIII B of the California Constitution because~~  
5 ~~the only costs that may be incurred by a local agency or school~~  
6 ~~district will be incurred because this act creates a new crime or~~  
7 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
8 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
9 ~~the Government Code, or changes the definition of a crime within~~  
10 ~~the meaning of Section 6 of Article XIII B of the California~~  
11 ~~Constitution.~~